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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/828,880	04/21/2004	Anders Angelhag	PS03 0317US1	5589

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EXAMINER

ABDULSELAM, ABBAS I

ART UNIT	PAPER NUMBER
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2629

MAIL DATE	DELIVERY MODE
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10/16/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/828,880

Applicant(s)

ANDERS ANGELHAG

Examiner

Abbas I. Abdulsalam

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 8/01/07
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08) 30
Paper No(s)/Mail Date 8/10/05, 6/22/04, 3/30/06
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4, 6, 9-11 and 13-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Susumu et al. (JP 2002-057771).

Regarding claim 1, Susumu et al. (hereinafter = "Susumu") teaches a communication device (*drawing 2 (11), (PDA)*) comprising: a communication device body adapted for a first mode of operation (*see drawing 2*); a display screen disposed in a generally parallel relationship with the device body (*See drawing 2 (11, 24), a position of a display device (24)*) in said first mode of operation; and pivoting means (27) disposed between said display screen and said device body (*see drawing 2 (24, 12, 27), see a position of a connection section (27)*) for permitting said display screen to pivot into a position generally orthogonal to said device body for a second mode of operation (*drawing 1 (24, 12), see a position of display device (24) which is part of a display section (13) and is orthogonal to the body (12)*).

Regarding claim 14, Susumu teaches a method of operating a communication device in a first mode (*drawing 2 (11), (PDA)*) and a second mode (*drawing 1 (24, 12), see a position of display device (24)*), the method comprising the steps of: rotating a pivotal upper portion of the

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communication device into the second mode (*see drawing 1 (24, 12, 27), see a position of a connection section (27)*); actuating specific keys of the communication device for receiving user input; and rotating the pivotal upper portion into the first mode to end the second mode (*see the abstract and drawing 1 (27, 24), a connection section (27) and a display device (24) which is rotatably placed, see a transition from drawing 2 to drawing 1 and vise versa*).

Regarding claim 23, Susumu teaches a communication device (*drawing 2 (11), (PDA)*) comprising: a communication device body in a first position adapted for a first mode of operation (*see drawing 2*); a display screen disposed in a generally parallel relationship with the device body in said first mode of operation (*See drawing 2 (11, 24), a position of a display device (24)*); pivoting means (27) disposed between said display screen and said device body for permitting said display screen to pivot into a second position for a second mode of operation (*see drawing 2 (24, 12, 27), see a connection section (27), and a transition of a position of display (24) from drawing 2 to drawing 1*); and wherein in the first mode of operation, keys of the communication device are located on one side of the display screen (*see positions of keys with respect to display (24) in drawing 1*) and in the second mode of operation, keys of the communication device are located on at least two sides of the display screen (*see positions of keys with respect to display (24) in drawing 2*).

Regarding claim 29, Susumu teaches a communication device (*drawing 2 (11), (PDA)*) comprising: a communication device body in a first position adapted for a first mode of operation (*see drawing 2*); a display screen disposed in a generally parallel relationship with the

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device body in said first mode of operation (*See drawing 2 (11, 24), a position of a display device (24)*); pivoting means disposed between said display screen and said device body for permitting said display screen to pivot into a second position for a second mode of operation; (*see drawing 2 (24, 12, 27), see a connection section (27), and a transition of a position of display (24) from drawing 2 to drawing 1*), and wherein in the first mode of operation the communication device is operable by one hand of a user and in the second mode of operation, the communication device is operable by two hands of a user (*see drawing 2 and 1 the configurations of which inherently require use of one and hand two hands respectively*).

Regarding claims 2-4, 27-28 and 33-34, Susumu teaches said second mode of operation comprises gaming and said device further comprises a gaming pad disposed on the communication device body and beneath the display screen (*drawing 2(12b, 13, 24), note that the position of a side (12b) is under display (24), as a position of display (24) is changed from drawing 2 to drawing 1 by rotating a display section 13, a side 12b which includes keys is exposed*).

Regarding claims 6, 10-11, 19-21, 24-25 and 30-31, Susumu teaches wherein the gaming pad comprises a plurality of buttons (*drawing 1 (15), see pluralities of keys (15) on both sides of a body (12)*).

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Regarding claims 9 and 13, Susumu teaches pivoting means comprises a hinge (*drawing 1 (27) connection section (27)*).

Regarding claims 15, 18, 22, 26 and 32, Susumu teaches the first mode of operation is telecommunication and the method further comprises the steps of: determining whether the communication device is receiving an incoming call; and alerting a user of the incoming call (*paragraph [46], personal digital assistant is also a cellular phone. Note also a display section is rotatable*).

Regarding claims 16-17, Susumu teaches the step of alerting the user comprises the steps of: alerting the user via at least one of an audio, visual, and tactile alert; and pausing the second mode (*paragraph [46], personal digital assistant is also a cellular phone, audio, visual (caller ID) and vibration are inherent in cell-phone*).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5, 7-8 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Susumu et al. (JP 2002-057771).

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Regarding claims 5, 7-8, and 12, Susumu teaches the actuation keys 15 and 15 (on both sides) as shown in drawing 1 and the number of can be increased, and the operability of alter operation can be raised (see paragraph [39]). Furthermore, it well known that keys in PDA can be used in a variety of forms for various functionalities.

Susumu does not specifically teach plurality of buttons being pause buttons, joystick, directional arrows, and keys with additional indicia.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize Susumu's actuation keys (15) shown in drawing 1 in a variety of ways because the type of keys to be used in key-based input device is obviously a design choice.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following arts are cited for further reference.

U.S. Pat. No. 6,643,124 to Wilk

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Abbas I. Abdulsalam whose telephone number is 571-272-7685. The examiner can normally be reached on Monday through Friday from 9:00 A.M. to 5:30 P.M.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Hjerpe, can be reached on 571-272-7691. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Abbas I Abdulsalam
Examiner
Art Unit 2629
October 14, 2007

A handwritten signature in black ink, appearing to read 'Abbas I Abdulsalam', is written over the typed name and date.